

78B-10a-105 Selection of arbitrator or panel -- Costs.

(1)

- (a) Unless otherwise agreed to in writing by the parties, a claim submitted to arbitration shall be resolved by a single arbitrator.
- (b) Unless otherwise agreed to by the parties or ordered by the court, all parties shall agree on a single arbitrator within 90 days of the answer of the defendant.
- (c) If the parties are unable to agree on a single arbitrator as required by Subsection (1)(b), a panel of three arbitrators shall be selected in accordance with Subsection (1)(d).
- (d) If a panel of three arbitrators is selected:
 - (i) each side shall select one arbitrator; and
 - (ii) the arbitrators appointed under Subsection (1)(d)(i) shall jointly select one additional arbitrator to be included on the panel.

(2) Unless otherwise agreed to in writing:

- (a) each party shall pay an equal share of the fees and costs of the arbitrator selected under Subsection (1)(a); and
- (b) if an arbitration panel is selected under Subsection (1)(d), each party shall pay:
 - (i) the fees and costs of the arbitrator selected by that party's side; and
 - (ii) an equal share of the fees and costs of the arbitrator selected under Subsection (1)(d)(ii).

Enacted by Chapter 197, 2011 General Session